

1 HOUSE BILL NO. 58

2 INTRODUCED BY ERICKSON

3 BY REQUEST OF THE DEPARTMENT OF REVENUE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT UNPAID INDIVIDUAL INCOME TAXES ARE
6 DUE ON OR BEFORE THE ~~15TH DAY OF THE 4TH MONTH FOLLOWING THE CLOSE OF THE TAX YEAR~~
7 DATE REQUIRED FOR FILING A TAX RETURN AND NOT NECESSARILY AT THE TIME OF THE FILING OF
8 THE TAX RETURN; AND AMENDING SECTION 15-30-142, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11
12 **Section 1.** Section 15-30-142, MCA, is amended to read:
13 **"15-30-142. Returns and payment of tax -- penalty and interest -- refunds -- credits.** (1) For both
14 resident and nonresident taxpayers, each single individual and each married individual not filing a joint return
15 with a spouse and having a gross income for the tax year of more than \$1,500, as adjusted under the provisions
16 of subsection (7), and married individuals not filing separate returns and having a combined gross income for
17 the tax year of more than \$3,000, as adjusted under the provisions of subsection (7), are liable for a return to
18 be filed on forms and according to rules that the department may prescribe. The gross income amounts referred
19 to in the preceding sentence must be increased by \$800, as adjusted under the provisions of 15-30-112(6), for
20 each additional personal exemption allowance that the taxpayer is entitled to claim for the taxpayer and the
21 taxpayer's spouse under 15-30-112(3) and (4).

22 (2) In accordance with instructions set forth by the department, each taxpayer who is married and living
23 with husband or wife and is required to file a return may, at the taxpayer's option, file a joint return with husband
24 or wife even though one of the spouses has neither gross income nor deductions. If a joint return is made, the
25 tax must be computed on the aggregate taxable income and the liability with respect to the tax is joint and
26 several. If a joint return has been filed for a tax year, the spouses may not file separate returns after the time for
27 filing the return of either has expired unless the department consents.

28 (3) If a taxpayer is unable to make the taxpayer's own return, the return must be made by an authorized
29 agent or by a guardian or other person charged with the care of the person or property of the taxpayer.

30 (4) All taxpayers, including but not limited to those subject to the provisions of 15-30-202 and 15-30-241,

1 shall compute the amount of income tax payable and shall, ~~at the time of filing the return required by this chapter~~
2 ~~on or before the 15th day of the 4th month following the close of the tax year~~ DATE REQUIRED BY THIS CHAPTER
3 ~~FOR FILING A RETURN~~, pay to the department any balance of income tax remaining unpaid after crediting the
4 amount withheld, as provided by 15-30-202, and any payment made by reason of an estimated tax return
5 provided for in 15-30-241. However, the tax computed must be greater by \$1 than the amount withheld and paid
6 by estimated return as provided in this chapter. If the amount of tax withheld and the payment of estimated tax
7 exceed by more than \$1 the amount of income tax as computed, the taxpayer is entitled to a refund of the
8 excess.

9 (5) As soon as practicable after the return is filed, the department shall examine and verify the tax.

10 (6) If the amount of tax as verified is greater than the amount paid, the excess must be paid by the
11 taxpayer to the department within 60 days after notice of the amount of the tax as computed, with interest added
12 as provided in 15-1-216. In that case, there may not be a penalty because of the understatement if the deficiency
13 is paid within 60 days after the first notice of the amount is mailed to the taxpayer.

14 (7) By November 1 of each year, the department shall multiply the minimum amount of gross income
15 necessitating the filing of a return by the inflation factor for the tax year. These adjusted amounts are effective
16 for that tax year, and persons who have gross incomes less than these adjusted amounts are not required to
17 file a return.

18 (8) Individual income tax forms distributed by the department for each tax year must contain instructions
19 and tables based on the adjusted base year structure for that tax year."

20 - END -